

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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IN RE NEW JERSEY TAX) Master Docket No.
SALES CERTIFICATES) 3:12-cv-01893-MAS-TJB
ANTITRUST LITIGATION)
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**STIPULATED CONSENT ORDER BETWEEN PLAINTIFFS
AND DEFENDANT MICHAEL MASTELLONE TO TREAT THE
RESULTS OF THE COURT’S RECENT MOTION TO DISMISS ORDER
AS APPLYING TO DEFENDANT MASTELLONE**

IT IS HEREBY STIPULATED, by and between the undersigned counsel, as follows:

WHEREAS by order filed on October 31, 2014, the Court dismissed Count Three (Violation of the New Jersey Tax Lien Law, N.J. Stat. Ann. § 54:5-63.1) and Count Five (Unjust Enrichment) against moving defendants, with prejudice, but denied the motions to dismiss brought by moving defendants with respect to other counts in Plaintiffs’ First Amended Consolidated Master Complaint (“FACMC”);

WHEREAS Defendant Mastellone had moved for a stay of proceedings, but not dismissal of any counts in the FACMC;

WHEREAS Defendant Mastellone’s motion for a stay was denied in the same order filed on October 31, 2014;

WHEREAS for purposes of case management and potential settlement, Plaintiffs and Defendant Mastellone believe it will promote judicial efficiency and avoid the filing of duplicative motions to have Defendant Mastellone in the same procedural position as the defendants who moved to dismiss the FACMC; and

WHEREAS the parties agree that, by means of entering this Stipulation and Order, neither side is waiving any right to appeal the dismissal or non-dismissal of any claims, or any other rights.

IT IS HEREBY AGREED AND STIPULATED that the Court's October 31, 2014 Order Denying in Part and Granting in Part Motions to Dismiss brought by moving defendants will apply to Defendant Mastellone as though he joined the motions to dismiss.

LITE DEPALMA GREENBERG LLC

/s/ Bruce D. Greenberg

Bruce D. Greenberg
Steven J. Greenfogel
Two Gateway Center, Suite 1201
Newark, NJ 07102-5003

Interim Liaison Counsel

HAGENS BERMAN SOBOL SHAPIRO LLP

/s/ Jason A. Zweig

Jason A. Zweig (*admitted pro hac vice*)
555 Fifth Avenue, Suite 1700
New York, NY 10017
Tel.: (212) 856-7227

HAUSFELD LLP

/s/ Seth R. Gassman

Michael D. Hausfeld (*admitted pro hac vice*)
James Pizzirusso (*admitted pro hac vice*)
Seth R. Gassman (*admitted pro hac vice*)
Mindy Pava (*admitted pro hac vice*)
1700 K Street, NW Suite 650
Washington, D.C. 20006

Interim Class Counsel

GARY L. CUTLER, P.C.

/s/ Gary L. Cutler

Gary L. Cutler

146B Ferry Street, Suite 54

Newark, NJ 07105

Tel.: (973) 735-6667

Counsel for Defendant Michael Mastellone

So Ordered:

Dated:

Michael A. Shipp, U.S.D.J.